

be unable to stop abusive practices and preserve consumer confidence in on-line transactions without such authority. This authority would not give agencies the ability to override any of the bill's requirements, only to clarify how they apply in specific circumstances.

4. Avoid Unintended Consequences in Areas Outside the Scope of the Bill.

The legislation must provide clear federal regulatory authority for records not covered by the bill's consumer provisions, including authority to exempt requirements from the bill's provisions if necessary. The broad scope of the legislation may have unintended consequences for laws and regulations governing "records" outside its intended focus on business-to-consumer and business-to-business transactions. For example, the bill could affect rules on the posting of workplace safety notices. Protections must be provided against such unintended consequences of the legislation.

5. Avoid Facilitating Predatory or Unlawful Practices.

The legislation must provide adequate protection against predatory or unlawful practices.

Mr. LEAHY. Mr. President, I am pleased that my colleagues on the other side of the aisle have worked out their problems and enabled the Senate, at last, to appoint conferees on S. 761. I co-authored S. 761 as it passed the Senate, and I look forward to working as a conferee to ensure that the final conference report respects the principles that this body endorsed when it passed that legislation by unanimous consent last year. The letter to conferees dated March 28, 2000, signed by all 45 Democratic Senators, reminds us of those principles.

I am only one conferee among 17 but working with the other 6 Democratic Senate conferees and the 10 Republican Senate conferees. I will endeavor to encourage electronic commerce with balance, fairness, and due regard for consumer protection.

The PRESIDING OFFICER. The Senator from Utah.

ELIAN GONZALEZ

Mr. HATCH. Mr. President, I rise this morning to voice my deep concern over the developing situation in Miami involving this young boy, Elian Gonzalez.

I do not rise today to make legal or policy arguments regarding the events that have transpired thus far, although I have strongly held views on those matters. Rather, I rise to implore—yes, implore—the Justice Department and the Clinton Administration to exercise restraint in how they proceed.

For reasons I fail to understand, this Administration yesterday significantly ratcheted up the stakes in this matter, and unnecessarily turned this into a crisis situation by threatening to involuntarily and forcibly remove this boy from the place he calls home and to forcibly remove him from the family that has cared and sheltered him for four months.

And why? The Justice Department had previously indicated a willingness

to allow the Miami family to pursue its legal avenues in federal court. This family is appealing the recent decision of the district court. That is not news, and should hardly come as a surprise to the Department. In fact, it is my understanding that the family has agreed to the Justice Department's request to try and expedite the appeal.

So why has the Administration manufactured this crisis and issued these threats and ultimatums? Why make these threats regarding this arbitrary, self-created and self-imposed deadline of Thursday morning at 9:00 a.m.?

I know that my colleagues have different views on the matter of whether Elian Gonzalez should be returned to Cuba or allowed to stay in our country. But I do not stand before you today to debate that matter.

Rather, I would hope we could all join in calling upon the Department of Justice and the Clinton Administration to calm down, exercise restraint, and stop acting to increase the tension of this delicate situation unnecessarily through arbitrary deadlines or threats of force.

I fail to see how these threats serve any useful purpose. Hasn't this young boy been through enough? Why does this Administration need to forcibly remove him from his home while the appeal process continues to run? Has Elian become an enemy of the United States of America? If not, why is the Administration treating him like a dangerous drug lord or a mass murderer?

Again, I implore this Justice Department and this Administration to calm down and exercise restraint. We need to find a way to diffuse this situation, not to further inflame it. And, we need to act in accordance with the values of our country—restraint, respect for law, and common sense. We should not be led to extremes merely to appease a foreign government. We will be fair and deliberate. But, we should not engage in ridiculous, overwrought measures. After all, this is not Cuba. This is the United States of America, and we have a young boy here. He ought to be treated with dignity and with respect by a government that does not act as a bully with no restraint whatsoever.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas.

MARRIAGE TAX PENALTY

Mrs. HUTCHISON. Mr. President, I rise today to talk about the marriage tax penalty. We are trying not so much to give a tax cut to married couples but to make a tax correction. It is not the business of Government to say that when you are married your taxes should be higher. The Tax Code should be blind.

It should be fair to all. Any single person making \$35,000 a year marrying

someone making \$35,000 a year should not automatically go into a higher tax bracket. In fact, under today's Tax Code, that is exactly what happens. It is one of the most egregious oversights of our tax system that we must address.

It is estimated that 21 million married couples pay a marriage penalty; about 48 percent of people in this country who are married pay a penalty for being married. The question is, What can we do to correct that inequity? This is not just a tax cut. It is a tax correction.

Yesterday, Senator ROTH revealed his plan that will go to the Finance Committee for markup, hopefully, tomorrow. It is a very solid beginning. His plan, first and foremost, does something that will affect every single married couple: It doubles the standard deduction.

Today, the standard deduction is \$7,350 for a married couple. It is \$4,400 for singles. One would think a married couple would get \$8,800. That is not the case. They get \$7,350. Regardless of the tax bracket, there is a marriage tax penalty from the standard deduction. Senator ROTH's bill doubles the standard deduction next year.

Second, the bill starts with the lowest tax bracket, the 15-percent bracket. Over a 6-year period, starting in 2000, that bracket will be doubled for married couples. This is an \$8,650 increase that allows people to continue paying in the 15-percent level for \$8,650 more. Basically, that means if someone today is making up to \$43,000 as a married couple, they are in the 15-percent bracket. We raise that to \$52,500. As a married couple making about \$26,000 a year, they will stay in the 15-percent bracket and will not have that penalty.

It is important for people to know that everyone pays up to the \$52,000 in the 15-percent bracket. Even if you go up to the 28-percent bracket or the 36-percent bracket, you will also get that 15-percent bracket relief.

It was my hope to double the 28-percent bracket, as well, because this is where most people get hit the hardest. A policeman who marries a schoolteacher gets hit in that 28-percent bracket. They are making approximately \$30,000 each. They would not be fully covered under the bill that will go to markup.

There will be opportunities to increase that bracket to 28 percent, which is what we hope to do. We want to go up to about \$120,000 in joint income to do away with that penalty for married couples. We will take the 28-percent bracket up to about \$126,000. A 28-percent tax bracket is almost a third of what a person makes, so with salaries of \$40,000 or \$50,000, it is a pretty big hit, especially if you have children and are trying to do the extras for their education.

We have the 15-percent bracket doubling, starting in 2000. We want to

make that 28 percent, but even if we can do the 15 percent, it is certainly a step in the right direction, saying to people they should not be penalized because they chose to get married. The penalty is not small. The average is about \$1,400 more that people pay. If they are making \$28,000 a year or \$40,000 a year and have to pay \$1,400 more in taxes, that is a lot of money, money that could be saved for the first downpayment on a house. It is money that could be put on car payments, mortgage payments, or a family vacation.

This is the time in people's lives when they need the money the most, when they are a young couple, just beginning. They do not have a nest egg yet. To tax them \$1,400 more a year is a heavy penalty. There is no reason for it. We should not make the choice for people that if they get married they must pay more taxes.

The alternative minimum tax is also reformed in Senator ROTH's plan. The alternative minimum tax is a tax that is levied on people. An alternative minimum tax is levied perhaps because too much of their income is tax free. This has begun to hit more and more people.

The alternative minimum tax has begun to hit people who make \$75,000 a year as married couples. This keeps them from having the \$500-per-child tax credit fully given; it keeps them from getting the Hope scholarship money fully given; it keeps them from having an adoption credit fully given. It takes away the value of those credits.

We say to people: You get a \$500-per-child tax credit because we want you to have more of the money you earn, but if you make over \$75,000 a year, we will take part of that credit away. We want to make those types of tax credits, the nonrefundable tax credits, whole for people, regardless of where they are in the system. We don't want the marriage tax penalty to encroach on that, as well. We are trying to exempt those nonrefundable tax credits from the AMT.

We also increase the earned-income tax credit for low-income couples, so if a person chooses to go to work and get off welfare, which is what we are encouraging them to do, we don't want to punish them by taking away their earned-income tax credit.

It is ironic that today we say to a married couple: You will pay more in taxes than if you had stayed single. We have a higher tax burden in our country today in peacetime than any time since World War II. We are trying to take away some of that tax burden on hard-working Americans. We find with many couples that both work because the tax burden is so high. They are trying to do extra things for their children. In order to meet all of their needs and the extra requirements they have for giving their children a good edu-

cation, they are having to go to work. That second income is penalizing that spouse who decides to leave the home and go into the workplace.

This is wrong. It is time to end this unfair part of our Tax Code. We started trying to correct this inequity 3 years ago. We sent President Clinton a bill that had marriage tax penalty relief in it and the President vetoed that bill.

It is very important that President Clinton look carefully at this particular bill. It hits people at the lower and middle-income level. The President has said he is for income tax relief for middle-income people. He has said that in public statements. But, in fact, he has vetoed the marriage tax penalty relief we have sent him.

I hope this is going to be a clean bill. I hope it will be a bill that is not amended with extraneous amendments that are not marriage tax penalty amendments. If we can send that clean bill, then I think the President will have some explaining to do if he does not sign it to give this relief to hard-working American couples.

We are about 20 days away from having to file the income taxes for 1999. April 15 is the day. April 15 is Saturday, so we get a reprieve until April 17. But when people are filling out their income tax returns in the next few weeks, I hope they will think of this marriage penalty that most people are paying in this country. I hope they will realize Congress is trying to give people relief. Congress is trying to double the standard deduction, so when you are filling out your form in the next 20 days, realize if you are married, your standard deduction is \$7,350. Under our plan it would be \$8,800 that would be totally exempt from taxation.

Furthermore, we would give you about \$8,000 more over the next 6 years in the 15-percent bracket. So whereas today you would start going into that 28-percent bracket at \$43,000, we are going to give you up to \$52,000 over a 6-year period with the bill that is going into the Finance Committee tomorrow. We are hoping we can even expand that to the 28-percent bracket so more people will pay at the lower bracket levels. This will help every single tax-paying American who is married and paying this penalty.

I hope very much the President of the United States is listening. I hope we can pass this clean marriage penalty bill through the Senate. We have a good start in the House bill. We have a good start from the Senate Finance Committee mark. I hope we can even make it better. With a relatively small addition, I think we can. I think we can go from the 15-percent to the 28-percent bracket—doubling. That will give significant relief to the most taxpayers in this country. Most people pay in the 15- and 28-percent brackets. That is where I think we need the relief.

I urge my colleagues to work with us on this marriage penalty relief. I urge

the President to listen to the hard-working people of this country who are saying: We need relief, and most of all, we need fairness in our tax system. It is not fair to tax people because they are married.

I see my colleague from Georgia is on the floor. My colleague from Georgia has been one of the early cosponsors of this marriage tax penalty relief. He has been a stalwart defender of fairness in our Tax Code and fairness in our tax system. I appreciate that he is here and I yield the floor to the Senator from Georgia.

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senator from Georgia, Mr. COVERDELL, or his designee, is recognized to speak for 30 minutes.

Mr. COVERDELL. Mr. President, parliamentary inquiry: It is my understanding the Senator from Texas and the Senator from Kansas had a period of approximately 30 minutes before the 30 minutes that was assigned to me. At the moment, I will be speaking on that time, if there is any of that time remaining.

The PRESIDING OFFICER. There is 14 minutes remaining.

Mr. COVERDELL. Then, if I might, with that clarification, at the conclusion of my remarks and the remarks of the Senator from Texas or others on marriage penalty, then I will begin to implement the 30 minutes that was assigned to me.

Mr. President, first I thank the Senator from Texas for her perseverance in pursuing relief of the marriage tax penalty on so many millions of Americans. I have several general comments to make about this proposal at this time. Again, before she gets away, I thank the Senator from Texas for the drumbeat by which she has continued to pursue this issue because it is an exceedingly important policy issue. That is the first point I want to make.

The fact we would have ever come to the point in the United States, given all the problems we have been talking about over these last several years of destabilization in our society, that we would punish people for creating families is unconscionable public policy. It is almost unbelievable it could have ever come to this point. So, as a matter of sound, intelligent, appropriate public policy, there should not be a penalty for people creating families. We should be encouraging, not discouraging, that. We should be making available to those families as many resources as possible to carry out the building of America upon which we have always relied. It is that family that we have depended upon to get America up in the morning, to get it to school and to work, to house it, to provide for the health needs and education of the country.

The dreams of America are in the hands of these families. To punish

them, to financially punish them, as I said a moment ago, is absolutely unconscionable public policy. It raises all kinds of questions about what kind of thinking goes on in this Capital City, for Heaven's sake. The punishment is not insignificant—about \$1,400 a year on average. Start thinking of the things that would do: The home computers, tutors, a new mortgage, transportation. The average American family's disposable income, that which is left after the Government marches through their checking account and takes over half of it—in our State, that family is probably making about \$45,000 to \$50,000. By the time you take that down by half—then think of all the things they have to do to raise America, to take care of America—we have not left enough there to get the job done. No wonder we see so many problems in our society.

If you were to put a graph behind me from 1950 to 1990 and show what the Federal Government was taking out of that checking account in 1950, and then what it is taking out in 1990, you would faint. If you put up a graph of every other problem—SAT scores, teenage suicide rates, you name it—as that graph went up, as we took more and more resources away from those families, bad things start to happen in our country. So there is nothing more important than making a statement that we are not going to punish families and we are going to take steps to leave more value, more of what they work for in their checking accounts so they can do what they need to do for America.

If every little family can take care of itself, the country is in great shape. Conversely, if we make it difficult for these families to get the job done, the country starts to wobble a bit. It has gotten right close to wobbling.

The other point I want to make is this: If we are going to talk about eliminating the marriage tax penalty, then we ought to be bold about it and serious about it. This proposal that is coming from the Finance Committee, and for which the Senator from Texas has fought, is just that.

The President has used the name but no substance—the name, the sound bite—but it is not getting the job done. Clearly, if we are going to go before the country and say we are going to eliminate the marriage tax penalty, it ought to virtually get the job done.

The proposal sponsored by the Senator from Texas, and which is likely to come out of the Finance Committee, will do that. The President's proposal does not.

I hope this ultimately passes the Senate, that we work out any differences with the House, and it goes to the President's desk and he acknowledges that a marriage tax penalty is a bad thing, it is bad policy.

I have one other comment to make about this before I yield back the re-

mainder of the time to the Senator from Texas. I have not heard anybody refer to this, but this proposal is across-the-board tax relief. Why is that? Because it takes the bottom tax bracket where people pay 15 percent and increases substantially the amount of income any family can earn and only be taxed on that income at 15 percent. Every taxpayer will receive tax relief because they all pay 15 percent on the first bracket. The first bracket is being enlarged. Everybody will benefit.

Admittedly, by focusing on these earlier tax brackets, the amount of relief, while the same for everybody, is more meaningful to middle-income families and lower-income families. This \$1,500 is the difference between, as I said, the house or not, the car or not, proper education or not. For some of our wealthier citizens, it will not have that great an impact. They would make a different kind of decision about it. It is fair because it is across the board and it affects the entire 15-percent tax bracket. That is good. I want to see us do more of this where we are lowering the tax rates for all taxpayers.

One of the things about which I have been most encouraged, because Americans pay vastly different percentages of income taxes—it has actually gotten to a very negative separation of our citizens. About 50 percent pay very few taxes, and the top 5 or 10 percent pay inordinate taxes. That can lead into all kinds of problems.

The good thing is, the American people, our culture, demand fairness. They really do. One can ask any American in our country, no matter the walk of life, their gender, or their racial background: What is a fair tax? It is always about the same. It doesn't matter where they come from or what their economic status is. They will say it should be about 25 percent. It should not be 50. Americans are essentially fair, and that is good. That gives us the ground upon which to correct some of these onerous bad policies that are in the Tax Code. This is one of them. This is the right thing to do, as I said the other day, and it is the right time to do it.

Mr. President, I yield back the remainder of time to the Senator from Texas.

Mrs. HUTCHISON. Mr. President, parliamentary inquiry: What is the time remaining on my 30 minutes?

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mrs. HUTCHISON. Mr. President, I thank Senator COVERDELL for his remarks. He laid out the fairness question very well. I thank him for the leadership he has provided in trying to give tax relief to hard-working American families on several fronts. Of course, he was the leader helping people give their children extra education benefits. Unfortunately, that bill was vetoed last year by the President, and

hopefully, having passed it again this year, the President will give that area of tax help to the hard-working families who want to send their children to college or who want to buy a computer for their child in elementary school. That has been led by Senator COVERDELL.

Certainly, Senator COVERDELL is now helping lead the effort on reduction of the marriage penalty tax because, of all the Tax Code inequities, this is the biggest. It affects the most people. It is the biggest tax cut that should be given. It is a fairness question.

If one is a policeman and making \$30,000 a year and marries a schoolteacher, why should they pay \$1,400 more in taxes just because they get married? There was no promotion, no bigger salary but the same salaries, two people, and they got married. They pay \$1,400 more a year in taxes. It hits the schoolteacher and the policeman the hardest.

It is the people making that \$25,000 to \$35,000 who get hit the hardest. Yet that is the couple trying to save to buy a home for their family or to upgrade a home or to buy the second car or to go on a family vacation. This is money that should not be spent by the Federal Government; it is money that should be spent by the people who earn it. That is the question today.

We are going to continue to debate the issue of the marriage penalty tax, and we will be testing people to see what their priorities are. Why would we continue to have this inequity in the Tax Code when we can fix it? We can fix it, and we are going to have the opportunity to do that the week people are beginning to pay their taxes. We are going to take this bill up the week of April 10, so that when people are filling out their tax forms, they can look at that standard deduction and say: My goodness, I am a married person and my standard deduction is \$7,350 and it should be \$8,800. If the bill that will be before the Senate on April 10 is passed, it will be \$8,800 next year, and this year will be the last year that a married couple has to pay more taxes because of the standard deduction inequity.

I thank the Presiding Officer, and I thank the Senator from Georgia. I urge my colleagues to look at this issue. Let's focus on doing away with this inequity as soon as we possibly can.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, has all time expired?

The PRESIDING OFFICER. All time has expired.

Mr. COVERDELL. It is my understanding, then, that there are 30 minutes now under the control of the Senator from Georgia.

The PRESIDING OFFICER. The Senator is correct. The Senator from Georgia is recognized for up to 30 minutes.